

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

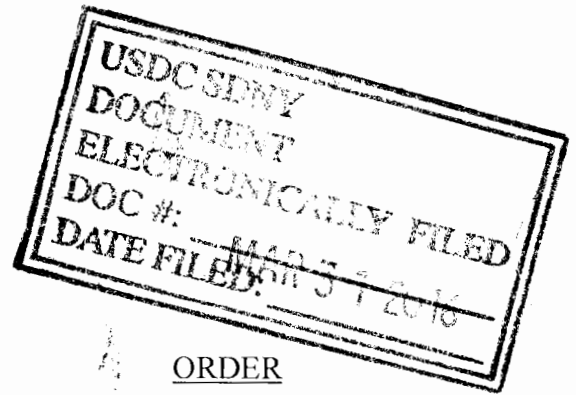
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ZAKUNDA-ZE HANDBERRY, ET AL.,

Plaintiffs,

-against-

WILLIAM C. THOMPSON, JR., ET AL.,

Defendants.  
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ORDER

96 Civ. 6161 (GBD) (JCF)

GEORGE B. DANIELS, United States District Judge:

It is hereby ORDERED, ADJUDGED, and DECREED as follows:

Provision of Educational Services

1. All eligible inmates shall be provided a minimum of 3 hours of educational services every school day.
2. Placement in a restricted housing unit does not change an eligible inmate's entitlement to educational services under any provision of this Order.
3. Unless stated explicitly to the contrary, any and all requirements set forth in this Order shall apply to all of the schools, educational programs, and methods of instruction operated by DOE in DOC facilities.
4. DOC shall ensure that each eligible inmate is provided access to educational services consistent with this Order in a timely manner, including if necessary providing escorts for travel to and from his or her place of educational instruction.

Special Education Services

5. Inmates who are disabled and identified as in need of special education or related services shall receive such services, including when placed in a restricted housing unit or method

of instruction. If necessary, an Individualized Education Plan (“IEP”) or Special Education Plan (“SEP”) may be modified in accordance with 20 U.S.C. § 1414(d) and 34 C.F.R. § 300.324, consistent with legitimate penal objectives. In the event this occurs, such modifications shall be the least restrictive necessary to accommodate the security needs of the jail.

#### Reappointment of Special Master

6. The Court appoints Dr. Peter Leone to continue as this Court’s expert and monitor to serve a two-year term from the date of this Order, subject to any continuance by order of this Court. The monitor will assess the DOE and DOC’s compliance with this Order and provide this Court and counsel with semi-annual reports specifically identifying any areas of noncompliance. Dr. Leone in his reports may also recommend specific changes in DOE and DOC policies and procedures.
7. Dr. Leone shall continue to have the same access to Rikers Island, to plaintiffs and defendants, and to relevant documents, as well as the same arrangement for compensation and reimbursement of expenses, as set forth in this Court’s June 10, 2014 Order.

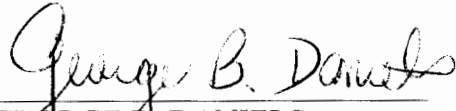
#### Modification and Enforcement

8. Any party may move for reconsideration of any part of this Order within thirty days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration unless and until this Court provides otherwise. Any motion for reconsideration must comply with the Federal Rules of Civil Procedure, this Court’s Local Rules, and relevant case law.
9. After thirty days following entry of this Order, any party may seek modification of this Order only if there has been a material change in circumstances or within thirty days of issuance of one of the monitor’s semi-annual reports.

10. Either party may move to enforce or terminate this Order under the governing legal standards established by the Federal Rules of Civil Procedure, any relevant statutes, and applicable case law.

Dated: New York, New York  
March 31, 2016

SO ORDERED:

  
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GEORGE B. DANIELS  
United States District Judge